



MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

OFFICE OF THE COMMISSION AUDITOR

REVIEW OF BOARDS AND COUNCILS

Project Number 05-14-40-02

March 31, 2006

**Robert A. Marksmeier, Jr.
Auditor-In-Charge**

**Horace Nwachukwu, CGAP
Senior Auditor**

**Gary Collins, CIA
Audit Manager**

**Charles Anderson, CPA
Commission Auditor**

**111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354**




**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

FROM: Charles Anderson, CPA
Commission Auditor

DATE: March 31, 2006 

SUBJECT: Final Report – Review of Boards and Councils

We have concluded our review of the Boards and Councils and we submit this report, which contains findings, recommendations, and management responses. We received management responses from the County Manager's Office, Clerk of the Board and the Commission on Ethics and Public Trust. Excerpts of management responses that address specific findings are incorporated in the body of the report. The responses in their entirety are attached at the end of the report. Management generally concurred with our recommendations.

We thank employees of the County Manager's Office, Office of Strategic Business Management, Clerk of the Boards and Commission on Ethics and Public Trust for their cooperation and input throughout the review. Please let me know if you need further information.

c: Honorable Carlos Alvarez, Mayor
George Burgess, County Manager
Chris Mazzella, Inspector General
Robert Meyers, Executive Director, Commission on Ethics and Public Trust
Susanne Torriente, Assistant County Manager
Jennifer Glazer-Moon, Director, Office of Strategic Business Management
Cathy Jackson, Director, Audit and Management Services Department
Kay Sullivan, Director, Clerk of the Board Division,
Clerk of the Circuit and County Courts

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I. OBJECTIVE AND SCOPE

As part of the work plan approved by the Miami-Dade Board of County Commissioners (BCC) on January 20, 2005, the Office of the Commission Auditor (OCA) conducted a review of all Miami-Dade County Boards and Councils (Boards) for the period January 1, 2002 through March 31, 2005, to ascertain if boards and councils were achieving the purpose for which they were created.

II. BACKGROUND

Boards and councils are created by the Miami-Dade County BCC through resolutions and/or ordinances to fulfill one or more specific purpose(s).¹ These advisory boards were established to help the Commission deal with the varied duties and responsibilities of local county government. Boards are governed by Miami-Dade County Code Sec. 2-11.36, and/or the specific ordinance or resolution that details the board's purpose, function, power, responsibility, jurisdiction, membership requirements and restrictions; terms and conditions of appointment to, or removal from the board; and the specific staff support, if any, to be provided to the board.

Miami-Dade County maintains an online database of all boards and councils, known as the County Boards and Appointment System, which contains 98 active boards in Miami-Dade County as of March 31, 2005. The Clerk of the Board assists the BCC in managing the appointment of advisory board members appointed by the County Commission. The County Manager is responsible for transmitting the biennial sunset review reports to the Board of County Commissioners. The ultimate disposition of the County boards is at the discretion of the BCC.

III. METHODOLOGY

This review consisted principally of inquiries of personnel and analytical procedures applied to financial and programmatic data. It was substantially less detailed in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements or programs taken as a whole.

Our review included staff interviews, observations, and examination of Miami-Dade County Code of Ordinances. We also examined, on a test basis, information obtained from the County Boards and Appointment System Database.

1. The term "board" do not apply to citizen groups created for specific advisory purposes where such group's existence is limited to a period of less than one (1) year. These boards are exempt from the requirements of Section 2-11.40.

IV. SUMMARY RESULTS

Our review of 98 board functions and associated internal controls showed that:

- Twenty-eight boards had vacancy rates of 25% or greater, and 15 of these 28 boards had vacancy rates of 40% or greater.
- Twenty-three boards had a quorum achievement rate of less than 80%.
- A survey of 17 randomly selected boards showed that 14 did not advertise vacant positions as required by County Code Sec. 2-11.38.1.
- Forty-seven boards did not have performance measures developed or had weak performance measures.
- Eleven boards' achievements/accomplishments were vague or did not correlate with the purposes for which they were created.
- Six boards that have completed their assignments still appear as active on the Miami-Dade County Boards and Appointment System website.
- Seven boards have been inactive for over 24 months.
- In one instance, two (2) separate boards were created with the same purpose.
- Over 80% of board members have not had ethics training within the past 12 months.
- Boards did not submit detailed financial statements to the BCC to ensure accountability.
- The Sunset Review Questionnaire established by the County Code Sec. 2-11.40 is primarily self-assessing and not an in-depth, independent review. It also omits critical questions.

ADDITIONAL INFORMATION

- Contact persons/liaisons had not provided relevant and timely information to the Clerk of the Board.
- The Office of the Commission Auditor did not review the Community Councils, which were audited by the Miami-Dade County Inspector General. (See Inspector General's Audit Report dated February 7, 2005 for details.)

- The Office of Safe Neighborhood Parks is currently being audited/reviewed by the County's Audit and Management Services Department; therefore, the Safe Neighborhood Parks Citizens Oversight Committee is not included in our review.
- Three boards did not provide any information to the OCA to conduct this review.
 - Community Improvement Authority - OCA could not identify a contact person for this board;
 - Redistricting Advisory Board - OCA could not identify a contact person for this board; and
 - Jay Molina International Trade Consortium (ITC) - OCA contacted this board but did not receive any information for this review.
- Attachment I is a sample of the Sunset Review Questionnaire
- Attachment II is a summary of information reviewed by the OCA. This includes funding, oversight department, objectives, vacancy and quorum rates.

V. FINDINGS AND RECOMMENDATIONS

1) Sunset Review Process

We noted that the current Sunset Review Process/Questionnaire does not provide the BCC sufficient information to determine whether boards should be abolished, consolidated or modified.

OCA also noted, and the Office of Strategic Business Management, Performance Improvement Division (OSBM/PI) concurred, that the Sunset Review Process for County Boards is primarily self-assessing and not an in-depth, independent review.

All boards created and funded in whole or in part by the BCC are subject to the Sunset Review Process.

The sunset review process is executed through the Sunset Review Questionnaire Report that is required by County Code Sec. 2-11.40 which provides:

Commencing with calendar year 2001 the initial board program category shall be reviewed and every year thereafter in the following manner:

- (a) *By February 1, 2001 and by February 1 each year thereafter, each board's chairperson shall submit a report, approved by the board, to the County Manager setting forth the following information concerning the board:*

- (1) *Whether the board is serving the purpose for which it was created.*
- (2) *Whether the board is serving current community needs.*
- (3) *A list of the board's major accomplishments.*
- (4) *Whether there is any other board, either public or private, which would better serve the function of the board.*
- (5) *Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created.*
- (6) *Whether the board's membership requirements should be modified.*
- (7) *The cost, both direct and indirect, of maintaining the board.*
- (8) *Whether the County board is meeting performance measures developed to determine their effectiveness in achieving stated goals...*

The Board of County Commissioners shall determine whether to abolish, continue, consolidate or modify the board.

At the conclusion of this review process, affected County departments must follow up on the Board of County Commissioners' action and, if necessary, prepare the appropriate legislation to abolish, consolidate or modify a board if it is not continued in its present form.

The following board categories shall be reviewed in the following years and every other year thereafter:

- (i) *2001: Policy Formulation, General Government, Internal Support, Culture and Recreation, and Physical Environment*
- (ii) *2002: Protection of People and Property, Transportation, and Health and Human Services...*

Any and all boards created pursuant to state or federal law shall be exempt from the requirements of Sec. 2-11.40.

OSBM/PI coordinates the Sunset Review process, whereby County boards report to the County Manager; who, in turn, reports to the BCC on the activities of boards.

The purpose of the Sunset Review process is to determine that the boards are serving the intended purpose for which they were created. The process in the current form does not achieve this objective.

We also noted that the Sunset Review Questionnaire does not address critical questions (Attachment I).

Questions related to the board's date of creation (which addresses the length of time the board has been in existence) and purpose (which shows the correlation between the purpose, performance measures, and accomplishments) are omitted.

One of the questions on the Sunset Review Questionnaire requires the boards to list their major accomplishments. The question does not provide the boards an opportunity to specify percentages, rates, numbers, and/or ratios that depict the degree of completion as it pertains to purposes for which the boards were created.

In addition, OCA noted that answers to the Sunset Review Questionnaire are sometimes vague or do not address the questions.

Recommendation

We recommend an objective, in-depth review of the boards. This review may be subject to an independent audit. This will provide objective criteria for the BCC to determine if or why boards should continue or be abolished.

We recommend the Sunset Review Questionnaire specifically include the date of creation and the purposes for which the board was created.

We also recommend that all boards answer every question in sufficient detail, providing supporting documentation and specifying percentages, rates, numbers, and/or ratios that depict the degree of completion as it pertains to purposes for which the boards were created.

Management Comments

County Manager's Office

Through the Government Structures Task Force (GSTF), we will coordinate a one-time "clean up" of advisory boards that may lead to the consolidation or sunset of boards that are not serving their original purpose, are duplicative or inactive, or have critical quorum difficulties. As part of the clean up, we will likely attempt to enlist the Office of Commission Auditor (OCA), since it would entail an in-depth review of each board, their functions, processes and needs. As advisory boards are created and sunset only by actions of the BCC, I believe that the OCA is properly positioned to assist in these on-going efforts.

The questions within the Sunset Review of County Boards Questionnaire related to board creation are rather comprehensive. Its General Information section requests that a copy of the ordinance creating the Board and its standard operating procedures, if any, be attached. These requested documents reflect the board purpose and creation date. The General Information section also requests that the Board's By-Laws and Mission Statement be included in the Sunset Review Questionnaire; this request addresses purpose. Nevertheless, the Sunset Review Questionnaire can be amended to include the specific date of each board's creation and its Mission Statement/Purpose.

The most important aspect of the Questionnaire is that it is essentially a self-assessment, not an external review...

OCA's Comments

OCA would be glad to serve in a consultative capacity in the County Manager's proposed comprehensive review of boards and councils, but OCA could not perform a managerial role in the review or in the ongoing program without compromising OCA's ability to perform future program audits in accordance with Government Auditing Standards as required by Ordinance No. 03-2 and the International Standards for the Professional Practice of Internal Auditing.

2) Performance Measurement

Our review disclosed that 47 of the 98 boards either do not have performance measures or have weak measures in place.

The Sunset Review Questionnaire (Attachment I) require boards to describe their performance measures to determine their effectiveness in achieving their stated goals.

Performance measures are specific indicators/tools that help an organization, program, board, council, or agency understand if it is achieving its objectives and/or goals. They may be expressed in qualitative, quantitative and/or other tangible terms, which indicate whether current performance is reasonable and cost effective.

Performance measures are classified into four categories for government agencies/programs:

- (1) Outcome measures - indicators of actual impact or public benefit, usually based on the board's overall goals and objectives; this indicator is the most important measure by which to gauge a board's achievement of its mission.
- (2) Output measures - indicators that count the goods and services produced.
- (3) Efficiency measures - indicators that measure the cost.
- (4) Explanatory measures - indicators that show the resources used to produce services.

We also noted that 11 boards' achievements/accomplishments are vague or do not correlate with the purposes for which the boards were created (Attachment II).

Achievements/accomplishments, performance measures, purposes for which boards were created, and the legislation that establishes the board should correlate with one another.

A properly developed performance measure will ensure that boards focus on their goals and objectives and also enhance the effectiveness of the Sunset Review Process, which is discussed in Finding # 1.

Recommendation

We recommend the Office of Strategic Business Management's Performance Improvement Division assist boards in developing performance measures that detail their achievements/accomplishments with specific percentages, rates, numbers, and/or ratios. This will ensure that the BCC has adequate information to determine if boards are accomplishing their intended purposes.

We also recommend the BCC consider incorporating one or more specific outcome measures in legislation creating new boards.

Management Response

County Manager's Office

...Staff from OSBM has indicated that performance measures are not appropriate for every type of organization; some groups make more effective use of goals and objectives. For boards which are advisory in nature, clear statements of board purpose and goals may be sufficient for evaluating performance. For boards with significant fiduciary authority and responsibility, more sophisticated performance measures are appropriate. Our recommendations for changing the ordinances will likely fall along these lines. For those boards that have fiduciary responsibilities, OSBM would be involved in setting efficiency performance measures. For other boards suitable for measures, departments responsible for staffing boards will play a role in developing appropriate measures.

3) Annual Reports

We selected a random sample of 20 boards required to submit annual reports and conducted a survey to determine compliance with County Code Sec. 2.11-37. We noted that only seven (7) submitted an annual report.

County Code Sec. 2.11-37 states:

All County boards created after the effective date of this article shall be created only by ordinance. Such ordinance shall set forth the board's purpose, function, power, responsibility, jurisdiction, membership requirements and restrictions, terms and conditions of appointment to or removal from the board, and the specific staff support, if any, to be provided to the board. The ordinance shall also provide for an annual report, either oral or written, to the Board of County Commissioners.

OCA noted and OSBM/PI concurred that the information provided by the boards on the annual reports are duplicated on the Sunset Review Questionnaire. Boards created after the effective date of this County Code are mandated to submit annual reports in the years when they were also required to file the biennial Sunset Review Questionnaire.

Recommendation

Since information provided by both the annual reports and the Sunset Review Questionnaire appear to be the same, we recommend the BCC consider allowing the Sunset Review Report to take the place of the annual report in those years that a board will be required to submit both reports.

Management Response

County Manager's Office

This recommendation originated with OSBM and will be part of our future recommendation to the Government Structures Task Force (GSTF). As indicated by OSBM, boards frequently submit their Annual Report as their Sunset Review Report. At times the information is "cut" and "pasted", at other times, it is the actual Annual Report. I intend to bring forth proposed legislation to amend the County Code to allow a board to submit the report in those years that a board is currently required to submit both the Annual Report and the Sunset Review of County Boards Report.

4) High Vacancy Rates and Failure to Achieve Quorum

OCA noted that 28 of the 98 Boards identified had vacancy rates of 25% or greater, and 15 of these 28 boards had vacancy rates of 40% or greater, from January through December 2004. A total of 23 of the 98 boards were noted for their low quorum rate of 80% or less. (Attachment II)

Recommendation

We recommend these boards fill vacant positions to minimize the probability of not achieving quorums.

We also recommend that the County Manager inform boards on the specific attendance requirements and allowable absence procedures.

Management Response

County Manager's Office

Board liaisons will be instructed to remind and inform their board members on the specific attendance requirements and absence procedures for their boards. In addition,

board liaisons will be requested to review board attendance and vacancy information and ensure that the Clerk of the Board has accurate information reflected for their board.

Clerk of the Board

The COB, however, recognizes the connection between high vacancy rates and the failure to reach a quorum on County boards, and responds by issuing a monthly “Vacancy Report” to the Commission, Mayor, and the County Manager. Board secretaries are requested to review the contents and submit any updates to the COB prior to final issuance of the report.

In March 2002, the COB embarked upon an ambitious initiative to develop a web-enabled system to capture and maintain advisory board data. The COB, in 2003, launched Phase I of its County Boards and Appointment System (CBAS), in collaboration with board secretaries. This system was designed to provide and maintain current and accurate information about commission-sponsored board appointments, as well as, to strengthen internal controls on membership information and to streamline the overall appointment process. The system can be accessed through the County’s internal portal, which gives all board secretaries the ability to access and update membership information affecting their boards. The working relationship with the COB and board secretaries has cultivated into a high degree of cooperation, however, the COB has no jurisdiction to ensure board secretaries provide membership information in a timely manner. County boards and councils are usually staffed by the County Manager’s staff and not the Clerk of the Board.

The final developmental stage of Phase II of the CBAS is in progress. After the system has been tested and approved, implementation should take place by September 2006. Phase II of the CBAS project will contain an external (Internet) module to allow public access to county board information and will enable potential candidates to apply on-line to fill board vacancies. Our objective is to provide the Commission, Mayor, and County Manager with a resource of qualified applicants from which to fill vacancies. Hopefully, this will reduce the high volume of vacancies and produce positive results in achieving quorums on county boards.

5) Process of appointment

OCA randomly surveyed 17 of the 98 boards that are listed in the Miami-Dade County Board and Appointment System database, and noted that 14 of the 17 boards surveyed did not advertise vacant positions as required by County Code Sec. 2-11.38.1, which provides:

- (a) Vacancies occurring on any board shall be advertised in publications of general circulation. Twice a year*

advertisements shall appear setting forth a list of all County boards; any special qualifications necessary for membership on the board; and the County telephone number to call for additional information.

- (b) Prior to its making appointments to County boards, the Board of County Commissioners shall be furnished a list setting forth the qualifications and demographic background of all new candidates for membership, along with a list of the qualifications and demographic backgrounds of the present members of the board to which an appointment is being made.*

Failure to advertise vacancies may have a direct relationship with high vacancy rates and failure to achieve quorum as discussed in Finding #4.

Recommendation

We recommend that the boards report all vacancies to the Clerk of the Boards who in turn will coordinate all advertisement to comply with County Code Sec. 2-11.38.1.

Management Response

County Manager's Office

Board liaisons will be requested to ensure that the Clerk of the Board has accurate and updated information reflected for their board, including board vacancies. My office will coordinate with Clerk of the Board to ensure that the information on the County Boards and Appointment System (CBAS) is reflected accurately and that board vacancies are advertised in compliance with Miami-Dade County Code Sec. 2-11.38.1.

Clerk of the Board

Although County Code Section 2-11.38.2 does not clearly define who is to advertise vacancies in a publication of general circulation, the COB concurs with your recommendation that advertisement of county board vacancies could be a responsibility of the COB. Advertisement of vacancies on all active county boards will have a fiscal impact on the COB in terms of publication costs and will require additional staff to coordinate the advertisements.

The external (Internet) module of the CBAS is designed to educate the public about county boards and how to apply for board vacancies.

The COB will continue to cultivate and maintain its relationship with board secretaries,

however, maximum effectiveness of the appointment process can only be achieved with compliance of Resolution R-104-03, which directs board secretaries to notify the COB of changes in Board membership.

6) Inactive or Dissolved Boards

A review of the Miami-Dade County Legislative Information Center, board minutes and interviews with board contact persons showed that the following boards had been inactive or had not met for over 24 months:

Affirmative Action Advisory Board
Aircraft Noise Abatement Task Force for Miami International Airport
Aircraft Noise Abatement Task Force for Opa Locka Airport
Community Improvement Authority
Environmental Advisory Task Force
Health Facilities Authority
Minimum Appeals Board

We also noted that the following boards had completed their assignments, yet still appeared as active in the Miami-Dade County's internal web portal, (Miami-Dade County Boards and Appointment Systems), <http://intra.miamidade.gov/cbas/Boards.asp>, and/or on the Miami-Dade County's external web portal, (Miami-Dade County internet web site), <http://www.miamidade.gov/boards/>, <http://www.miamidade.gov/info/boards.asp>:

Cutler Ridge Municipal Advisory Committee
Fontainebleau Municipal Advisory Committee
North Central Dade Municipal Advisory Committee
Northeast Dade Area Municipal Advisory Committee
Public Schools Overcrowding Relief Working Group
Racial Profiling Advisory Board
Redland Municipal Advisory Board, an active board, is listed as dissolved on the Miami-Dade County Board and Appointment System.

Recommendation

We recommend that the County Manager review the inactive boards and make recommendations for continuance or dissolution to the BCC.

We also recommend that the County Manager and/or Clerk of the Board update information on both systems to reflect the correct status of each board.

Management Response

County Manager's Office

As part of our present review efforts, my office will assess the inactive or dissolved boards referenced in the finding. In addition, my staff will coordinate with the Clerk of the Board to ensure that board information and status is correctly reflected on the County Boards and Appointment System (CBAS) and Miami-Dade County's internet web portal.

Clerk of the Board

The cooperation of board secretaries/liaisons in complying with Resolution R-104-03 by reporting to the COB on any changes in board membership, inactivity or dissolution of county boards, is essential for the COB to maintain accuracy and the integrity of the County Board and Appointment System (CBAS).

The COB is the owner and administrator of the CBAS located on the county's internal web portal (<http://intra.miamidade.gov/cbas>), CBAS is the official site to access current advisory board information.

In April 2005, to address the county board information displayed on the County's web portals, the COB developed its County Boards and Appointment Policy which defines the roles and responsibilities of both the COB and Enterprise Technology Services Department's (ETSD) Online Services as to content, content maintenance, administration, design and usability of the CBAS.

The COB also entered into a "Memorandum of Understanding" with ETSD regarding the display of county board information on sites other than the CBAS and the need for ETSD to consult with the COB prior to the development or implementation of any web-based system or website containing membership information of county boards...

The COB agree with the Auditor's recommendation that the County Manager continue to review county boards with no activity and make recommendations for continuance or dissolution to the Board of County Commissioners.

7) Overlapping Objectives

Interviews with the staffs of the Department of Business Development showed that the Minority and Women Owned Business Advisory Board (MWOBAB) and Small Business Advisory Board (SBAB) have overlapping objectives.

The MWOBAB assists Blacks, Hispanics, and Women to compete for awards, whereas the SBAB assists small businesses to compete for awards, not on the basis of race,

gender, or ethnicity.

As a result of two federal court decisions, the County no longer applies race and gender factors in the area of contracting and therefore, the MWOBAB is no longer necessary. On February 1, 2005, the BCC created the Small Business Enterprise Program (SBE) which is a race and gender neutral program. The court's decisions and the existence of the SBAB make it unnecessary to maintain the MWOBAB.

During our review, we also noted that county departments designated to provide staff and other operational support to two boards were not aligned with their objectives. The boards are Agricultural Practice Study Advisory Board overseen by Department of Planning and Zoning and the Community Image Advisory Board overseen by Solid Waste Management Department.

We noted that by the time of this report, the County Manager's Office had created an Office of Agriculture with oversight responsibilities for the Agricultural Practice Study Advisory Board and the Office of Community Image responsible for the Community Image Advisory Board.

Recommendation

We recommend that the County Manager determine if the Minority and Women Owned Business Advisory Board should be replaced with the Small Business Advisory Board.

Management Response

County Manager's Office

The proper alignment of these boards will be addressed as part of the clean up process.

8) Training

With the exception of persons appointed to the 18 boards granted special exemption by Ordinance No. 03-74, all board members are required to attend ethics training. The exemption provided in Resolution No. R-340-03 was as a result of the BCC wishing to attract more citizens to serve on County advisory boards and to make such service more convenient. The exempt boards are listed in a memo from the County Manager dated February 22, 2005.

At the time of this review, over 80% of board members had not attended ethics training. Boards' contact persons stated that many of the members are scheduled to attend ethics training.

Recommendation

We recommend each board member attend the ethics training as required by Resolution No. R-189-05 adopted by the BCC on February 1, 2005.

Management Response

Commission on Ethics and Public Trust

The Miami-Dade Commission on Ethics concurs with Finding # 8 and has scheduled additional training sessions over the next three months to reach as many County board members as possible.

Clerk of the Board

The COB's role in the county board process is limited to the appointment process and maintenance of the names and address of appointees. We recommend that scheduling of ethics training should be the responsibility of the board secretary/liaison, and not the COB.

However, the COB understands the need for training in order to bring a more unified structure to the county board process, and has taken the initiative to assist board secretaries in understanding the management of a county board...

It is recommended that the county board secretaries coordinate with the Ethics Commission to provide ethics training to all new and current county board members as part of their orientation process.

9) Financial Statements

A total of \$14,253,546 was allocated to the Boards/Councils of Miami-Dade County in FY 2004-05. Nine (9) boards are currently required by their enabling ordinance to submit annual financial statements.

As a good business practice, all boards that have direct and/or indirect costs should submit financial statements to the BCC. A review of financial statements for all board would enhance accountability and oversight.

Miami-Dade County also provides financial support to some boards that do not have direct reporting responsibility to the County. Although the boards listed below report to government agencies other than the BCC or are independent organizations, they receive funds from Miami-Dade County.

Bicycle/Pedestrian Advisory Committee (reports to the Metropolitan Planning Organization MPO)
Citizen's Transportation Advisory Committee (reports to the MPO)
Health Council of South Florida
Port of Miami Crane Management Inc. Committee
South Florida Work Force (Funding also provided by the State)
Transportation Aesthetics Review Committee (reports to the MPO)

Recommendation

1. To enhance oversight and accountability, boards meeting a certain threshold budget amount (to be established by the County Manager) should be required to submit line item budgets detailing expenditures and revenues along with their Sunset Review Questionnaires. This will provide supportable and comprehensive information of appropriate and ethical use of funds allocated to these boards.
2. Although some boards do not have direct reporting responsibility to the BCC, prudent business practice requires that they submit annual independent audit reports to the County. This will ensure accountability and fiscal responsibility and assist the County in the maintenance of proper control over budget and cash flow.

Management Response

County Manager's Office

I concur with the first recommendation. My office, in conjunction with OSBM, will determine an appropriate threshold amount and make recommendation to the BCC as part of the proposed legislative amendments.

With regards to the second recommendation, the boards identified as not having direct reporting responsibility to the County but reporting to other government agencies, exist pursuant to federal or state mandates. As such, these boards follow the financial (and other) reporting requirements established by the respective regulatory agencies. Importantly, they are exempt from Sunshine Review reporting.

10) **Pending Sunset Reports**

The OSBM/PI coordinates the sunset review process mandated by County ordinance. This process requires County boards to submit the Sunset Review Questionnaire to the County Manager, who, in turn, reports to the BCC on the boards' activities and efficacies.

At the time of this review, the following boards had not submitted their Sunset Review Questionnaire:

Board	Due Date
Living Wage Commission	September 30, 2005
Naranja Lakes Community Redevelopment Agency	September 30, 2005
Social and Economic Development Council	September 30, 2004

Recommendation

We recommend that all boards comply with the requirement and submit the Sunset Report to the BCC in a timely manner.

Management Response

County Manager's Office

Below is a status update of Sunset Review Reports that were pending at the time of your review:

- *Living Wage Commission – Sunset Review Report was presented to and accepted by the BCC on February 7, 2006 with a recommendation to continue the board.*
- *Naranja Lakes Community Redevelopment Agency – The County Attorney's Office has determined that the Agency is exempt from sunset review reporting.*
- *Social and Economic Development Council – The department has been advised that their Sunset Report is still outstanding for 2004.*

VI. GENERAL OBSERVATIONS

Flow of Information

Interviews with the Performance Improvement Division of the Office of Strategic Business Management and Clerk of the Board, indicated a communication gap exists between the boards' contact persons/liaisons and the Clerk of the Board.

Contact persons/liaisons are lacking in their responsibility to provide the Clerk of the Board relevant and timely information for use in updating the County Boards and Appointment System.

At the time of our review, the Clerk of the Board was in the process of scheduling a training session for boards' contact persons/liaisons to apprise them of their duties/responsibilities to the boards.

Definition of Quorum

Many ordinances creating boards/councils have definitions of quorum that are inconsistent with the definition provided in County Code Sec. 2-11-39.1, which provides:

Notwithstanding any other provision of this Code or of any resolution, a quorum for all County Boards shall consist of a majority of those persons duly appointed to the board, provided that at least one-half (1/2) of the full board membership has been appointed. It is expressly provided, however, that the quorum requirement for any board created or established pursuant to section 20-40 or section 33-306 of this Code (Community Council or Community Zoning Appeal Board) shall be four (4) members.

This ordinance defines quorum for all boards/councils within the County.

We noted that 39 boards specify in their enabling ordinance the number that make up a quorum, 48 boards define quorum as the majority of appointed or present members, while 11 boards default to the definition outlined in County Code Sec. 2-11-39.1. Quorum definitions by the Citizen's Advisory Committee for the Agricultural and Rural Area Study and the Miami-Dade County Addiction Services Board are typical examples of the variations.

Citizen's Advisory Committee for the Agricultural and Rural Area Study's quorum requirements provide:

A simple majority of the CAC members shall constitute a quorum and a simple majority of a quorum of the CAC shall be required for the passage of any motion; and

Miami-Dade County Addiction Services Board state:

Ten (10) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the members present shall be necessary to take any action.

Inconsistent quorum requirements and/or definitions leave room for different interpretations and may result in abuse of duties and powers. This can also lead to confusion in implementation.

The County Manager should determine the feasibility of adopting a standard definition of quorum for all boards. This will provide a more reliable criterion to measure quorum achievement by the boards/councils.

All board members should also be aware of enabling ordinance specifying what constitutes a quorum.

Management Response

County Manager's Office

The County Attorney's Office has indicated that board ordinances approved by the BCC subsequent to the more general ordinance regarding quorum take legal precedence over the general provision.

County board liaisons will be directed to apprise board members of attendance and quorum requirements and the boards' respective enabling ordinance.

Committee Oversight

Per County Code Sec. 2-11.40, boards created through ordinance are required to submit biennial Sunset Review Reports. These reports are reviewed by the BCC to determine their continuance or dissolution.

A preliminary review of the Sunset Review Report/Questionnaires by Committees will provide additional oversight prior to the BCC determination of the future status of the boards.

We recommend submission requirements include BCC Committee reviews. We also recommend submission deadlines be realigned to allow for these Committee reviews prior to presentation to the BCC.

Management Response

County Manager's Office

Currently, all Sunset Review Reports are submitted to BCC Committees for review and approval prior to presentation to the full BCC. Legislative amendments being considered include formalizing Committee oversight and approval and realigning submission deadlines to realistically allow for timely Committee reviews.

Clerk of the Board General Remarks

To effectively achieve the common goal of enhancing internal controls of the county board appointment process and membership information, the COB recommends that the County Manager enlist a "Liaison" to:

- 1. Coordinate ethics training for all new board members;*
- 2. Coordinate the membership and demographic information needed for the COB to advertise vacancies;*
- 3. Ensure that board secretaries provide accurate and timely information on board membership and status to the COB in compliance with R-104-03;*
- 4. Notify the COB of new or replacement staff assigned to manage a board; and*
- 5. Provide training for all new board secretaries on the county board process.*

**Sunset Review Questionnaire
Miami-Dade County Boards
Year “XXXX”**

I. General Information

1. Name of Board reporting:
2. Indicate number of board member, term of office, and number of vacancies:
3. Identify number of meetings and members’ attendance (Attach records reflecting activity from _____ through _____):
4. What is the source of your funding?
5. Attach a copy of the ordinance creating the Board and its standard operating procedures, if any.
6. Attach a copy of the Board’s by-laws (if any) and include the Board’s Mission Statement:
7. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.
8. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager’s memorandum to the Board of County Commissioners with his recommendations.

II. Evaluation Criteria

1. Is the Board serving the purpose for which it was created?
2. Is the Board serving current community needs?

3. What are the Board's major accomplishments?
 - a. Last 24 months
 - b. Since establishment
4. Is there any other board, either public or private, which would better serve the function of this board?
5. Should the Ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")
6. Should the Board's membership requirements be modified?
7. What is the operating cost of the Board, both direct and indirect (Report on FY ____ and FY ____)?
8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Addiction Services Board	DHS Byrne Grant Administration (Federal)	\$ 400 ²	Human Services	Weak	Yes	18	0	0%	11	75%
Affirmative Action Advisory Board	N/P	N/P	Fair Employment Practices	N/P	N/P	13	9	69%	N/P	N/P
Affordable Housing Advisory Board	Surtax, SHIP, HOME	3,500 ³	Housing Agency	None	Yes	15	4	27%	9	100%
Agricultural Practices Study Advisory Board	DP&Z/General Fund	41,000 ⁴	Planning And Zoning	Weak	Yes	13	0	0%	9	100%
Agriculture And Rural Area Study Citizens Advisory Committee	Planning and Zoning budget	68,494 ⁵	Planning And Zoning	None	Yes	16	1	6%	22	95%
Aircraft Noise Abatement Task Force For Miami International Airport	MDAD	N/P	Aviation	None	Yes	20	2	10%	9	N/P
Aircraft Noise Abatement Task Force For Opa	MDAD	N/P	Aviation	None	Yes	14	4	29%	3	N/P

¹ Accomplishments/Achievement of Objectives is based on the Sunset Review Questionnaire, the Commission Auditor Questionnaire, and additional information that board provided.

² Includes staff support expenses and copy and distribution.

³ Includes office supplies, copies, and contractual services.

⁴ Average cost of conducting meetings and supplies.

⁵ Includes \$66,494 for consultants, and \$2,000 for County staff and operating costs.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Locke Airport										
Art In Public Places Trust	1.5% of construction of county facilities	654,000 ⁶	Art In Public Places	Yes	Yes	15	4	27%	9	67%
Asian American Advisory Board	General Fund	300,000 ⁷	County Manager's Office	Yes	Yes	26	5	19%	9	67%
Bicycle/Pedestrian Advisory Committee	MPO	N/P	Metropolitan Planning Organization	None	Yes	22	14	64%	12	100%
Biscayne Bay Shoreline Development Review Committee	Application Fees, and Dept. Budget	1,069 ⁸	Planning And Zoning	Yes	Yes	13	5	38%	12	62%
Biscayne Gardens Area Municipal Advisory Committee	OSBM. Inc & Annx UMSA	882,000 ⁹	Strategic Business Management	N/A	N/A	7	0	0%	14	N/P
Biscayne National Park Buffer Development Review Committee	General Fund	3,000 ¹⁰	Planning And Zoning	Yes	Yes	9	0	0%	1	100%

⁶ Support staff.

⁷ Budget for 2005.

⁸ Member reimbursement for parking \$250, and advertisement \$819.

⁹ Amount budgeted annually for all Municipal Advisory Committees (MAC).

¹⁰ Estimated annual operating cost.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Black Affairs Advisory Board	Community Grants/GF	300,000 ⁷	Community Relations	Yes	Yes	13	5	38%	10	40%
Board Of Rules And Appeals	BCCO surcharge fee/ permits fee \$.60 per \$1,000 cost of construction	285,038 ¹¹	Building Code Compliance	Yes	Yes	19	1	5%	11	91%
Boat Docking And Boat Storage Facilities Advisory Committee	Marine Facilities Annual Operating Permit Program	3,365 ¹²	Environmental Resources Management	Weak	Weak	7	0	0%	1	100%
Boundaries Commission	Annexation and incorporation fees and County General Funds	N/P ¹⁰	Strategic Business Management	None	Yes	13	5	38%	10	50%
Children's Trust	Tax dollars	396,682 ¹²	The Children's Trust Organization	Yes	Yes	33	3	9%	12	100%
Citizen's Transportation Advisory Committee (CTAC)	FTA FHA, FDOT	171,386 ¹²	Strategic Business Management	Yes	Yes	44	10	23%	24	100%
Citizens' Independent Transportation Trust	1/2 penny tax	2,829,500 ¹²	Office Of Citizens Independent Transportation	Yes	Yes	15	2	13%	12	100%

¹¹ Operating cost.

¹² Total general administration/board expenditures – line item expenditure may not be available.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
			Trust							
Citizens' Independent Transportation Trust Nominating Committee	N/A	N/P	Office Of Citizens Independent Transportation Trust	Yes	Yes	20	2	10%	11	80%
Commission For Women	General Fund	300,000 ⁷	County Manager's Office	Weak	Yes	26	3	12%	10	75%
Commission On Disability Issues	Office of ADA coordination budget	68,375 ¹²	Ada Coordination	None	Yes	13	4	31%	9	80%
Community Councils (Commission Appointed Seats Only)	N/P	751,099 ¹²	Team Metro	N/A	N/A	N/P	0	N/P	Monthly	N/P
Community Image Advisory Board	Secondary Gas Tax	N/P	Solid Waste Management	N/P	N/P	43	8	19%	8	75%
Community Improvement Authority	N/P	N/P	Homeless Trust	N/P	N/P	9	0	0%	N/P	N/P
Community Relations Board	General Fund	300,000 ⁷	Community Relations	Yes	Yes	30	6	20%	11	100%
Community Small Business Enterprise Board	GF through DBD	N/P	Department Of Business Development	Yes	Yes	15	2	13%	11	23%

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Construction Trades Qualifying Board - Division A	Building Code Compliance Office Licensing/Renewal Fees	384,942 ¹²	Building Code Compliance	Weak	Yes	15	6	40%	11	97%
Construction Trades Qualifying Board - Division B	Building Code Compliance Office Licensing/Renewal Fees	384,942 ¹²	Building Code Compliance	Weak	Yes	15	6	40%	11	97%
Crandon Park Master Plan Amendment Committee	Parks Budget	1,000 ¹²	Park And Recreation	N/P	Pending Minutes	4	0	0%	5 meeting since 2001,	100%
Cultural Affairs Council	General Fund, Tourist Development Tax, Convention Development Tax, Bond Series, Fed State, Private grants, fees, agencies	N/P	Cultural Affairs	Yes	Yes	15	0	0%	9	90%
Cutler Ridge Charter Commission	UMSA	N/P	Office Of Strategic Business Management	TBD	TBD	5	0	0%	0	N/A
Dade-Miami Criminal Justice Council	County GF and City	174,302 ¹²	Human Services	Yes	Yes	36	2	6%	8	80%

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Dial-A-Life Program Advisory And Oversight Board	General Fund	100,000 ¹³	Communication	None	Yes	9	1	11%	4	100%
Domestic Violence Oversight Board	GF, and 15% Local Option of Food and Beverage Tax proceeds	322,880 ¹²	Human Services	Yes	Yes	15	2	13%	11	100%
Educational Facilities Authority	Fin Dept Bond Administration Application fee	N/P	Finance	Weak	Yes	5	0	0%	02-03-04-1	100%
Enterprise Zone Advisory Council	None	N/P	Economic Development Division	None	Yes	13	6	46%	4	100%
Environmental Advisory Task Force	DERM, CAO	6,000 ¹²	Environmental Resources Management	None	Weak	13	7	54%	0	0%
Environmental Quality Control Board	EQCB application fee, DERM fees	630,085 ¹⁴	Environmental Resources Management	Yes	Yes	5	0	0%	11	100%
Equal Opportunity Board	GF, CDBG, US EEOC Contract	88,000 ¹²	Human Services	Yes	Yes	13	5	38%	Over 50	100%
Fire Prevention And Safety Appeals Board	Fire Prevention Division budget	14,900 ¹⁵	Fire And Rescue	Yes	Yes	13	5	38%	4	92%

¹³ Salary and fringe benefits for one support staff.

¹⁴ Amount includes staff salary, newspaper, computer equipment, court reporting services, and indirect costs.

¹⁵ Amount includes staff salary, postage, office supplies, and court reporter, and copies of transcripts.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Fisher Island Area Municipal Advisory Committee	OSBM. Inc & Annx UMSA	N/P ⁹	OSBM	N/A	N/A	7	0	0%	Every 3 weeks	N/A
Flood Management Task Force	20%DERM Gen Oper. Acct. 80%Stormwater Utility Program	12,000 ⁶	Environmental Resources Management	Yes	Yes	16	3	19%	5	100%
Goulds Area Municipal Advisory Committee	UMSA	N/P ⁹	Strategic Information Service Division	N/A	Pending Report	11	1	9%	Every 3 weeks	N/A
Health Council Of South Florida	Florida Department of Health/ DHS	5,900 ¹⁶	Not A County Department	Yes	Yes	12	1	8%	6	100%
Health Facilities Authority	Fin Dept Bond Admin Applct fee	N/P	Finance	None	None	5	2	40%	None	0%
Hispanic Affairs Advisory Board	GF	300,000 ⁷	Community Relations	Yes	Yes	13	4	31%	9	70%
Historic Preservation Board	CDBG, and GF	360,000 ¹²	Historic Preservation	None	Yes	13	1	8%	10	100%
Homeless Trust	Food & Bev Tax, Grants Fed, State	125,692 ¹²	Homeless Trust	Yes	Yes	27	4	15%	11	100%
Housing Finance Authority (HFA)	Multi-Family, and Single Family fees and Interest income	19,200 ¹²	Housing Finance Authority	N/P	Yes	13	0	0%	9	100%

¹⁶ Amount includes annual board retreat \$5,000, and other board expenses \$900.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Independent Review Panel (IRP)	GF, Ad valorem taxes	500,000 ¹²	Independent Review Panel	Standards rather than measures	Yes	9	1	11%	12	100%
Industrial Development Authority	Industrial Development Revenue Bond	N/P	Industrial Development Authority	None	None	13	6	46%	N/P	N/P
Investment Advisory Board	County's Contract for Financial Advisory Services	N/P	Finance	Yes	Yes	6	0	0%	3	67%
Jay Molina International Trade Consortium (ITC)	N/P	N/P	Jay Molina International Trade Consortium	N/P	N/P	44	12	27%	N/P	N/P
Kendall Lakes Landscape Maintenance Special Taxing District Advisory Board	None	11,000 ¹²	Park And Recreation	None	Yes	7	3	43%	3	67%
Land Acquisition Selection Committee (LASC)	Environmentally Endangered Land Acquisition Trust Fund	210,874 ¹²	Environmental Resources Management	Needs improvement	Yes	8	1	13%	3	100%
Living Wage Commission	None	N/P	Living Wage Commission	Weak	Yes	15	6	40%	12	58%
Metro Miami Action Plan Trust	Trust Fund	10,417 ¹²	Metro-Miami Action Plan	None	Yes	21	3	14%	11	88%
Metro Miami Action Plan Trust Nominating Council	None	4,320 ¹²	Metro-Miami Action Plan	N/A	N/A	5	0	0%	When needed	N/A

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Miami Metro zoo Oversight Board	None	N/P	Park And Recreation	None	Yes	9	0	0%	6	100%
Miami-Dade County Expressway Authority	MDX System	N/P	Not A County Department	Yes	Yes	13	3	23%	12	100%
Miami-Dade HIV/Aids Partnership	Ryan White C.A.R.E. Act Title I	19,080 ¹²	Strategic Business Management	None	Yes	39	6	15%	12	100%
Minimum Housing Appeals Board	Team Metro	N/P	Housing Agency	Weak	N/A	13	13	100%	0	0%
Minority And Women Owned Business Advisory Board	None	N/P	Business Development	None	Yes	16	7	44%	12	73%
Naranja Lakes Community Redevelopment Agency	Tax Increment Financing	52,500 ¹⁷	Strategic Information Service Division	Weak	Yes	9	1	11%	12	92%
North Central Dade Municipal Advisory Committee	UMSA	N/P ⁹	Strategic Business Management	N/A	Yes	7	0	0%	every 3 weeks	N/A
Northeast Dade Area Municipal Advisory Committee	UMSA	N/P ⁹	Strategic Information Service Division	N/A	Yes	N/A	N/A	N/A	every 3 weeks	N/A

¹⁷ Include \$50,000 for administrative expenses (staff cost), and \$2,500 for board meeting expenses per year.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Nuisance Abatement Board	MDPD Intergovernmental Bureau's (IB) Administrative Budget	252,000 ¹²	Miami-Dade Police Department	None	Yes	13	1	8%	11	81%
Opa-Locka Economic Development Task Force	Aviation	N/P	Aviation	N/A	N/A	9	8	N/A	N/A	N/A
Parks And Recreation Citizens Advisory Committee (P.R.C.A.C.)	General Fund P&R	3,700 ¹²	Park And Recreation	Weak	Weak	26	14	54%	9	73%
Performing Arts Center For Greater Miami Trust	Federal, State, Local, Private	3,329 ¹²	Not A County Department	None	Yes	33	3	9%	6	N/P
Planning Advisory Board (P.A.B.)	General Funds, and fees for boundary change application and CDMP amendment applications	64,800 ¹²	Planning And Zoning	Weak	Yes	13	2	15%	11	100%
Plant (Princeton, Leisure City And Naranja) Area Municipal Advisory Committee	UMSA	N/P ⁹	Strategic Information Service Division	N/A	None	11	1	9%	every 3 weeks	N/A

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Port Of Miami Crane Management Inc. Committee	Gantry Crane revenue collected by MD Seaport Dept	31,207 ¹²	Not A County Department	Yes	Yes	7	1	14%	5	100%
Public Health Trust	Executive Office at the Public Health Trust	N/P	Public Health Trust	Yes	Yes	27	0	0%	10	100%
Public Health Trust Nominating Council	N/P	N/P	County Manager's Office	N/A	N/A	N/P	0	N/A	N/P	N/P
Public Library Advisory Board	County Library Budget	2,685 ¹⁸	Public Library	Yes, should be detailed	Yes	12	1	8%	5	80%
Racial Profiling Advisory Board	N/P	N/P	Police	N/P	N/P	9	0	0%	N/P	N/P
Redistricting Advisory Board	N/P	N/P	N/P	N/A	N/P	13	13	100%	N/P	N/P
Redland Municipal Advisory Committee	N/P	N/P ⁹	Strategic Business Management	N/A	N/A	N/P	N/P	N/P	N/P	N/P
Safe Neighborhood Parks Citizens Oversight Committee	Interest earnings from the sale of SNP bonds	420,200 ¹²	Safe Neighborhood Parks	Yes	Yes	13	3	23%	8	80%
Small Business Advisory Board	N/A	N/P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹⁸ Boards travel expense.

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Social And Economic Development Council	None	N/P	Community And Economic Development	None	Yes	18	0	0%	12	92%
South Florida Work Force	N/P	TBD	South Florida Employment And Training Consortium	Yes	Yes	36	9	25%	6	100%
South Miami-Dade Watershed Plan Advisory Committee	GF	20,000 ¹²	Planning And Zoning	Weak	Pending Study	30	0	0%	10	100%
Sports Commission	County and Private Sources	670,000 ¹²	County Commission	None	New Board	10	0	0%	8	100%
STS Oversight Task Force	None	N/P	Miami-Dade Transit Agency	Yes	Yes	9	0	0%	6	100%
Tourist Development Council	2% Tourist Tax/ 2% Hotel Food-Bev Surtax/ Convention Center	N/P	Cultural Affairs	Yes	Yes	9	0	0%	4	100%
Transportation Aesthetics Review Committee	Federal Highway Administration (FHA), Federal Transit Administration (FTA)	65,000 ¹²	Metropolitan Planning Organization	Yes	Yes	15	7	47%	9	100%
Trauma Advisory Board	In-kind by Health Council of S.F.	25,145 ¹²	Not A County Department	Yes	Yes	30	6	20%	5	100%

Board	Funding	Annual Board Expenditure	Department	Performance Measures	Accomplishments/Achievement of Objectives ¹	Number of Board Members (Total Seats)	Vacant	Percentage of Vacancy	Frequ. Of meetings	Frequ. Of Quorum
Tropical Park Equestrian Center Advisory Board	None	N/P	Park And Recreation	None	Yes	11	0	0%	1	100%
Unsafe Structures Board	Board fees from various municipalities	197,493 ¹²	Building Code Compliance	Yes	Yes	13	3	23%	11	87%
Urban Economic Revitalization Task Force	GF	157,000 ¹²	County Manager's Office	Yes	Yes	23	9	39%	9-Jan	67%
Value Adjustment Board	BCC, and School Board	905,550 ¹²	Clerk Of The Courts	N/A	Yes	5	0	0%	2	N/A
Vizcaya Museum And Gardens Trust	Vizcaya Museum and Gardens	1,000 ¹²	Vizcaya Museum & Gardens	None	Yes	24	2	8%	6	100%
Youth Crime Task Force	GF	317,794 ¹⁹	Human Services	None	Yes	31	1	3%	4	100%
		\$ 14,253,546								

¹⁹ Amount includes salaries/fringes, and other expenses.

Memorandum



Date: March 24, 2006

To: Charles Anderson, CPA
Commission Auditor

From: George M. Burgess
County Manager

Subject: Review of Boards and Councils Report Response

Office of the

MAR 24 2006

Commission Auditor

This memorandum serves as a response to your Review of Boards and Councils draft report dated February 16, 2006. It responds to all findings that fall under the domain of the County Manager.

Over the last year, the Board of County Commissioners (BCC) has shown an increasing level of interest in the Sunset Review process, generally reflecting a concern that reviews may not be robust enough to filter out boards which no longer fully serve their intended purposes. As you know, advisory boards serve at the discretion of the BCC, not the County Manager, as only the BCC has the authority to create or terminate boards. Frequently, the BCC establishes advisory boards whose intended purposes are broad in nature, or whose role may be to provide an additional "check", so to speak, on County government. Consequently, establishing a Sunset process that is effective, but that properly reflects the overall intent of the BCC in creating a board, remains a challenge.

In line with these concerns, the BCC asked Commissioner Moss to examine, and recommend changes to, the Sunset process and ordinance through the Governmental Structures Task Force (GSTF). My staff is working with Commissioner Moss and GSTF over the next several months to (1) facilitate a one-time "clean up" of all Boards, (2) implement administrative process changes, and (3) bring to the BCC a number of proposed legislative changes. Your detailed review of boards and councils will be valuable for the GSTF review. I know that your staff and mine will work productively together under the direction of the GSTF over the next several months to fashion effective recommendations.

My response to your draft report is structured along the lines of our own review efforts (enumerated above), which are generally less based on specific performance statistics than on the sensitive role of the BCC in determining the value of any particular board.

One-Time "Clean Up"

Through the GSTF, we will coordinate a one-time "clean up" of advisory boards that may lead to the consolidation or sunseting of boards that are not serving their original purpose, are duplicative or inactive, or have critical quorum difficulties. As part of the clean up, we will likely attempt to enlist the Office of the Commission Auditor (OCA), since it would entail an in-depth review of each board, their functions, processes and needs. As advisory boards are created and sunsetted only by actions of the BCC, I believe that the OCA is properly positioned to assist in these on-going efforts.

This clean-up process will address the recommended actions noted in the findings below:

Sunset Review Process (Finding 1)

OCA Recommendation: We recommend an objective, in-depth review of the boards. This review may be subject to an independent audit. This will provide objective criteria for the BCC to determine if or why boards should continue or be abolished.

Inactive or Dissolved Boards (Finding 6)

OCA Recommendation: We recommend that the County Manager review the inactive boards and make recommendations for continuance or dissolution to the BCC.... We also recommend that the County Manager and/or Clerk of the Board update information on both systems to reflect the correct status of each board.

Response: As part of our present review efforts, my office will assess the inactive or dissolved boards referenced in the finding. In addition, my staff will coordinate with the Clerk of the Board to ensure that board information and status is correctly reflected on the County Boards and Appointment System (CBAS) and Miami-Dade County's internet web portal.

(Please obtain response for corrective action from the Clerk of the Board regarding any system deficiencies reflected in CBAS, which is not under the purview of the County Manager's Office.)

Overlapping Objectives (Finding 7)

OCA Recommendation: We recommend that the County Manager determine if the Minority and Women Owned Business Advisory Board should be replaced with the Small Business Advisory Board.

Response: The proper alignment of these boards will be addressed as part of the clean up process.

Legislative and Process Changes

The Office of Strategic Business Management (OSBM) is currently in the process of reviewing existing legislation and conferring with the County Attorney's Office (CAO) regarding the standards for board creation and review. The intent is to bring to the BCC proposed legislative amendments to strengthen the monitoring and review processes. In conjunction with the review of existing legislation, staff will perform an assessment of the advisory board data collection process to ensure that board activity is properly documented and collected.

The proposed legislative and process changes will address the intent of the recommended actions noted in the OCA draft report, which is to have a more effective Sunset process. Since in-depth biennial reviews of all County Boards would be resource prohibitive for either the OCA or the Manager's Office, I propose the development of specific criteria that would trigger a detailed review by either of our staffs. The criteria may include such things as persistent quorum difficulties, changes in the operating environment of an advisory board, a BCC request, or certain discretionary concerns of either of our offices; specific performance measures and targets may not be well-suited as criteria for many advisory boards. I will continue to seek your input as specific criteria are developed and welcome any additional assistance you may wish to provide.

Sunset Review Process (Finding 1)

OCA Recommendation: We recommend the Sunset Review Questionnaire specifically include the date of creation and the purposes for which the board was created.... We also recommend that all boards answer every question in sufficient detail, providing supporting documentation and specifying percentages, rates, numbers, and/or ratios that depict the degree of completion as it pertains to purposes for which the boards were created.

Response: The questions within the Sunset Review of County Boards Questionnaire related to board creation are rather comprehensive. Its General Information section requests that a copy of the ordinance creating the Board and its standard operating procedures, if any, be attached. These requested documents reflect the board purpose and creation date. The General

Information section also requests that the Board's By-Laws and Mission Statement be included in the Sunset Review Questionnaire; this request addresses purpose. Nevertheless, the Sunset Review Questionnaire can be amended to include the specific date of each board's creation and its Mission Statement / Purpose.

The most important aspect of the Questionnaire is that it is essentially a self-assessment, not an external review. Form amendments are unlikely to materially affect the Sunset process.

Annual Reports (Finding 3)

OCA Recommendation: Since information provided by both the annual reports and the Sunset Review Questionnaire appear to be the same, we recommend the BCC consider allowing the Sunset Review Report to take the place of the annual report in those years that a board will be required to submit both reports.

Response: This recommendation originated with OSBM and will be part of our future recommendations to the GSTF. As indicated by OSBM, boards frequently submit their Annual Report as their Sunset Review Report. At times the information is "cut" and "pasted", at other times, it is the actual Annual Report. I intend to bring forth proposed legislation to amend the County Code to allow a board to submit the report in those years that a board is currently required to submit both the Annual Report and the Sunset Review of County Boards Report.

High Vacancy Rates and Failure to Achieve Quorum (Finding 4)

OCA Recommendation: We recommend these boards fill vacant positions to minimize the probability of not achieving quorums.... We also recommend that the County Manager inform boards on the specific attendance requirements and allowable absence procedures.

Response: Board liaisons will be instructed to remind and inform their board members on the specific attendance requirements and absence procedures for their boards. In addition, board liaisons will be requested to review board attendance and vacancy information and ensure that the Clerk of the Board has accurate and updated information reflected for their board.

Financial Statements (Finding 9)

OCA Recommendations:

1. To enhance oversight and accountability, boards meeting a certain threshold budget amount (to be established by the County Manager) should be required to submit line item budgets detailing expenditures and revenues along with their Sunset Review Questionnaires. This will provide supportable and comprehensive information of appropriate and ethical use of funds allocated to these boards.
2. Although some boards do not have direct reporting responsibility to the BCC, prudent business practice requires that they submit annual independent audit reports to the County. This will ensure accountability and fiscal responsibility and assist the County in the maintenance of proper control over budget and cash flow.

Response:

I concur with the first recommendation. My office, in conjunction with OSBM, will determine an appropriate threshold amount and make recommendations to the BCC as part of the proposed legislative amendments.

With regards to the second recommendation, the boards identified as not having direct reporting responsibility to the County, but reporting to other government agencies, exist pursuant to federal or state mandates. As such, these boards follow the financial (and other) reporting requirements established by the respective regulatory agencies. Importantly, they are exempt from Sunset Review reporting.

Other Findings

Performance Measurement (Finding 2)

OCA Recommendation: We recommend the Office of Strategic Business Management's Performance Improvement Division assist boards in developing performance measures that detail their achievements/accomplishments with specific percentages, rates, numbers, and/or ratios. This will ensure that the BCC has adequate information to determine if boards are accomplishing their intended purposes. We also recommend the BCC consider incorporating one or more specific outcome measures in legislation creating new boards.

Response:

Current County ordinances require that any ordinance or resolution creating a new board be accompanied by a CMO report with certain information concerning the board. This information should include "a clear statement of the mission, desired outcomes and strategies for accomplishing such outcomes, and performance measures to assess whether such outcomes specified are being achieved. Such outcomes specified shall be measurable, concrete and specific." Additionally, Ordinance 95-93 passed and adopted on June 6, 1995 amended Section 2-11.40 of the Code, added the following review criteria language: "Whether the County board is meeting performance measures developed to determine their effectiveness in achieving stated goals."

Staff from OSBM has indicated that performance measures are not appropriate for every type of organization; some groups make more effective use of goals and objectives. For boards which are advisory in nature, clear statements of board purpose and goals may be sufficient for evaluating performance. For boards with significant fiduciary authority and responsibility, more sophisticated performance measures are appropriate. Our recommendations for changing the ordinances will likely fall along these lines. For those boards that have fiduciary responsibilities, OSBM would be involved in setting efficiency performance measures. For other boards suitable for measures, departments responsible for staffing boards will play a role in developing appropriate measures.

OCA, though, may wish to independently review specific information relating to boards to recommend changes to their individual performance measures.

Process of Appointment (Finding 5)

OCA Recommendation: We recommend that the boards report all vacancies to the Clerk of the Board who in turn will coordinate all advertisement to comply with County Code Sec. 2-11.38.1.

Response: Board liaisons will be requested to ensure that the Clerk of the Board has accurate and updated information reflected for their board, including board vacancies. My office will coordinate with the Clerk of the Board to ensure that the information on the County Boards and Appointment System (CBAS) is reflected accurately and that board vacancies are advertised in compliance with Miami-Dade County Code Sec. 2-11.38.1.

Please obtain additional information from the Clerk of the Board.

Training (Finding 8)

OCA Recommendation: We recommend each board member attend the ethics training as required by the Office of the County Manager.

Response: Please obtain response from the Commission on Ethics and Public Trust, which is not under purview of the County Manager's Office.

Pending Sunset Reports (Finding 10)

OCA Recommendation: We recommend that all boards comply with the requirement and submit the Sunset Report to the BCC in a timely manner.

Response:

Below is a status update of Sunset Review Reports that were pending at the time of your review:

- Living Wage Commission - Sunset Review Report was presented to and accepted by the BCC on February 7, 2006 with a recommendation to continue the Board.
- Naranja Lakes Community Redevelopment Agency - The County Attorney's Office has determined that the Agency is exempt from sunset review reporting.
- Social and Economic Development Council - The department has been advised that their Sunset Report is still outstanding for 2004.

General Observations - Definition of Quorum

OCA Recommendation: The County Manager should determine the feasibility of adopting a standard definition of quorum for all boards. This will provide a more reliable criterion to measure quorum achievement by the boards/councils...All board members should also be aware of enabling ordinance specifying what constitutes a quorum.

Response:

The County Attorney's Office has indicated that board ordinances approved by the BCC subsequent to the more general ordinance regarding quorum take legal precedence over the general provision.

County board liaisons will be directed to apprise board members of attendance and quorum requirements and the boards' respective enabling ordinance.

General Observations - Committee Oversight

OCA Recommendation: We recommend submission requirements include BCC Committee reviews. We also recommend submission deadlines be realigned to allow for these Committee reviews prior to presentation to the BCC.

Response:

Currently, all Sunset Review Reports are submitted to BCC Committees for review and approval prior to presentation to the full BCC. Legislative amendments being considered include formalizing Committee oversight and approval and realigning submission deadlines to realistically allow for timely Committee reviews.

Thank you for this opportunity to respond to your review conducted on Boards and Councils. I look forward to working with your office to help improve the County boards and councils processes. Should

Charles Anderson, CPA, Commission Auditor
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you have any questions, please call Jennifer Glazer-Moon, Director of the Office of Strategic Business Management at 305-375-5143.

c: Jennifer Glazer-Moon, Director, Office of Strategic Business Management
Robert Meyers, Executive Director, Commission on Ethics and Public Trust
Honorable Commissioner Dennis Moss, Chair, Governmental Structure Task Force
Kay Sullivan, Director, Clerk of the Board

cmo05706



MEMORANDUM

TO: Charles Anderson, CPA
Commission Auditor

FROM: *Kay Sullivan*
Kay Sullivan, Director
COB Of The Board Division

SUBJECT: Response To Commission Auditor's Review Of Boards & Councils

DATE: 3/20/2006

CC: Harvey Ruvlin, COB
COB Of The Circuit And County Courts/COB of the Board of County Commissioners

The following is the Clerk of the Board's (COB) response to your February 16, 2006, report on the Review of Board and Councils. As specifically requested, this response addresses items, 4. High Vacancy Rates on County Boards; 5. County Board Appointment Process; 6. Inactivity and Dissolution of Boards; and 8. Training.

SECTION 4 - High Vacancy Rates and Failure to Achieve Quorum

Historically, when vacancies occur and may affect quorum requirements, the board chair or board secretary would inform the appointing commissioner of the need to fill the vacancy. Notification of failing to achieve a quorum on any board is a function of the chair of the board or council, and not that of the Office of the COB.

The COB, however, recognizes the connection between high vacancy rates and the failure to reach a quorum on County boards, and responds by issuing a monthly "Vacancy Report" to the Commission, Mayor, and the County Manager. Board secretaries are requested to review the contents and submit any updates to the COB prior to final issuance of the report.

In March 2002, the COB embarked upon an ambitious initiative to develop a web-enabled system to capture and maintain advisory board data. The COB, in 2003, launched Phase I of its County Boards and Appointment System (CBAS), in collaboration with board secretaries. This system was designed to provide and maintain current and accurate information about commission-sponsored board appointments, as well as, to strengthen internal controls on membership information and to streamline the overall appointment process. The system can be accessed through the County's internal portal, which gives all board secretaries the ability to access and update membership information affecting their boards. The working

relationship with the COB and board secretaries has cultivated into a high degree of cooperation, however, the COB has no jurisdiction to ensure board secretaries provide membership information in a timely manner. County boards and councils are usually staffed by the County Manager's staff and not the Clerk of the Board.

The final developmental stage of Phase II of the CBAS is in progress. After the system has been tested and approved, implementation should take place by September 2006. Phase II of the CBAS project will contain an external (Internet) module to allow public access to county board information and will enable potential candidates to apply on-line to fill board vacancies. Our objective is to provide the Commission, Mayor, and County Manager with a resource of qualified applicants from which to fill vacancies. Hopefully, this will reduce the high volume of vacancies and produce positive results in achieving quorums on county boards.

As a reminder, the members of the BCC may fill vacancies by using Ordinance 95-94, adopted by the County Commission on June 6, 1995, which provides for a uniform rule for filling vacancies on boards that remain open for thirty (30) days and reads, *"...if a vacancy on any County board which is subject to individual commissioner appointment remains unfilled for more than thirty (30) days, it may thereafter be filled by action of the County Commission."*

Recommendation

It is recommended that the board chair/secretary provide written notification to commissioners notifying them when their appointee has failed to meet attendance requirements as provided in Section 2-11.38 of the Code of Miami-Dade County.

It is also recommended that board secretaries comply with Resolution R-104-03, which directs notification to the COB of any changes in board membership or status within 5 days of occurrence.

The COB will continue to notify the County Commission of board vacancies in the monthly Board Vacancy Report.

SECTION 5 - Process of Appointment

Currently, there are approximately 1700 persons serving on the County's ninety-eight (98) active advisory boards. Maintenance of the county board information is a collective responsibility shared by the COB and County administration. The Clerk maintains the names and address of persons appointed to serve on county boards (Section 2-5 of the Code); the County Manager assigns staff (board secretaries) to support and assist individual boards in carrying out their functions.

In 2003, the COB launched the County Boards and Appointments System (CBAS) in an effort to provide effective support to the county board appointment process. Board

secretaries were given user access to the CBAS through the County's internal portal for updating personal and demographic information.

Although County Code Section 2-11.38.2 does not clearly define who is to advertise vacancies in a publication of general circulation, the COB concurs with your recommendation that advertisement of county board vacancies could be a responsibility of the COB. Advertisement of vacancies on all active county boards will have a fiscal impact on the COB in terms of publication costs and will require additional staff to coordinate the advertisements.

The external (Internet) module of the CBAS is designed to educate the public about county boards and how to apply for board vacancies.

The COB will continue to cultivate and maintain its relationship with board secretaries, however, maximum effectiveness of the appointment process can only be achieved with compliance of Resolution R-104-03, which directs board secretaries to notify the COB of changes in Board membership.

Recommendation

It is recommended that board secretaries comply with Resolution R-104-03, which directs notification to the COB of any changes in board membership or status within 5 days of occurrence.

It is recommended that the COB be advised of any changes to advisory board support staff.

SECTION 6 - Inactive or Dissolved Boards

The cooperation of board secretaries/liaisons in complying with Resolution R-104-03 by reporting to the COB on any changes in board membership, inactivity or dissolution of county boards, is essential for the COB to maintain accuracy and the integrity of the County Board and Appointment System (CBAS).

The COB is the owner and administrator of the CBAS located on the county's internal web portal (<http://intra.miamidade.gov/cbas>), CBAS is the official site to access current advisory board information.

In April 2005, to address the county board information displayed on the County's web portals, the COB developed its County Boards and Appointment Policy which defines the roles and responsibilities of both the COB and Enterprise Technology Services Department's (ETSD) Online Services as to content, content maintenance, administration, design and usability of the CBAS.

The COB also entered into a "Memorandum of Understanding" with ETSD regarding the display of county board information on sites other than the CBAS and the need for ETSD

to consult with the COB prior to the development or implementation of any web-based system or website containing membership information of county boards.

Recommendation

It is recommended that the County Manager distribute to county staff, the COB's County Board and Appointment Policy and the Memorandum of Understanding with ETSD.

It is recommended that board secretaries comply with Resolution R-104-03, which directs notification to the COB of any changes in board membership or status within 5 days of occurrence.

The COB agree with the Auditor's recommendation that the County Manager continue to review county boards with no activity and make recommendations for continuance or dissolution to the Board of County Commissioners.

SECTION 8 - Training

The COB's role in the county board process is limited to the appointment process and maintenance of the names and address of appointees. We recommend that scheduling of ethics training should be the responsibility of the board secretary/liaison, and not the COB.

However, the COB understands the need for training in order to bring a more unified structure to the county board process, and has taken the initiative to assist board secretaries in understanding the management of a county board as follows:

- March 2002 – Workshop
 - To introduce the concept of the CBAS and to solicit ideas and feedback from board secretaries on the county board process and managing of county boards. This workshop was attended by Commissioner Barreiro and Commission staff.
- May 2003 – CBAS Training
 - Attended by board secretaries and county commission aides.
- The COB is available for individual training on the CBAS for all new staff assigned to manage a county board. This training includes clarification about the roles of the board secretary and the COB. Board secretaries are also provided with any new legislation that affects the membership and functioning of their respective boards.
- The COB is currently editing its *Guide to County Board Management*, which was written to assist board secretaries in understanding the county board process, and the interaction required to successfully provided current and accurate advisory board information. The publication of the *Guide to County Advisory Board Management* will be posted on the County's internal web portal as a service to board secretaries.

- Prior to implementation of Phase II of the CBAS, the COB will be sponsoring another training/workshop for all board secretaries to introduce them to the on-line application process.

Recommendation

It is recommended that the county board secretaries coordinate with the Ethics Commission to provide ethics training to all new and current county board members as part of their orientation process.

Remarks:

To effectively achieve the common goal of enhancing internal controls of the county board appointment process and membership information, the COB recommends that the County Manager enlist a "Liaison" to:

1. Coordinate ethics training for all new board members;
2. Coordinate the membership and demographic information needed for the COB to advertise vacancies;
3. Ensure that board secretaries provide accurate and timely information on board membership and status to the COB in compliance with R-104-03;
4. Notify the COB of new or replacement staff assigned to manage a board; and
5. Provide training for all new board secretaries on the county board process.

If you have any questions and concerns, please contact me at 305-375-1295.